United Nations S/2002/117

Security Council

Distr.: General
25 January 2002

Original: English

Letter dated 14 January 2002 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

During my briefing to Security Council members on 11 January, I mentioned that we would circulate formally a copy of the Military Technical Agreement between the Afghan Interim Administration and the International Security Assistance Force, led by the United Kingdom of Great Britain and Northern Ireland, signed on 4 January 2002. This I now attach (see annex). I would be grateful if this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Permanent Representative

02-23227 (E) 290102

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Annex to the letter dated 14 January 2002 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

Military Technical Agreement between the International Security Assistance Force (ISAF) and the Interim Administration of Afghanistan ("Interim Administration")

Preamble

Referring to the 'Agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions', signed in Bonn on 5 December 2001, ('Bonn Agreement'), The Interim Administration welcomes the provisions of United Nations Security Council Resolution (UNSCR) 1388.

The ISAF welcomes the Interim Administration's commitment in the Bonn Agreement to co-operate with the international community in the fight against terrorism, drugs and organised crime and to respect international law and maintain peaceful and friendly relations with neighbouring countries and the rest of the international community.

Article I: General Obligations

1. The Interim Administration understands and agrees that the Bonn Agreement requires a major contribution on its part and will make strenuous efforts to co-operate with the ISAF and with the international organisations and agencies which are assisting it.

2. Interim Administration understands and agrees the Mission of the ISAF is to assist it in the maintenance of the security in the area of responsibility as defined below at Article I paragraph 4(g).

3. The Interim Administration agrees to provide the ISAF with any information relevant to the security and safety of the ISAF mission, its personnel, equipment and locations.

4. For the purposes of this Military Technical Agreement, the following expressions shall have the meaning described below:

a. 'The Parties ' are the Interim Administration and the ISAF.

b. 'ISAF' includes all military personnel together with their aircraft, vehicles, armoured vehicles, stores, equipment, communications, ammunition, weapons and provisions as well as the civilian components of such forces, air and surface movement resources and their support services.

c. The 'Interim Administration' is the organisation as detailed in the Bonn Agreement.

d. 'Military Units' includes all Afghan factions, armed representatives or personnel with a military capability, to include all mujahidin, armed forces, and armed groups, other than the 'Police Force' defined at paragraph 4e. The definition of 'Military Units' in this context does not include the ISAF, Coalition Forces or other recognised national military forces.

e. The Interim Administration 'Police Force' means individuals who have been formally appointed as Police by the Interim Administration, are recognisable, and carry official identification. The Police Force includes the national security police, the criminal police, the uniform police, the traffic police and the border police.

f. 'Host Nation Support' (HNS) is the civil and military assistance rendered by the Interim Administration to the ISAF within Afghanistan.

g. Area of Responsibility (AOR) is the area marked out on the map attached at Annex B.

h. 'Coalition Forces' are those national military elements of the US-led international coalition prosecuting the 'War on Terrorism' within Afghanistan. The ISAF is not part of the 'Coalition Forces'.

i. An 'Offensive Action' is any use of armed military force.

j. Designated Barracks to be agreed between the parties and to be detailed at Annex C.

5. It is understood and agreed that once the ISAF is established, its membership may change.

Article II: Status Of The International Security Assistance Force

1. The arrangements regarding the Status of the ISAF are at Annex A.

Article III: Provision of Security and Law and Order

1. The Interim Administration recognises that the provision of security and law and order is their responsibility. This will include maintenance and support of a recognised Police Force operating in accordance with internationally recognised standards and Afghanistan law and with respect for internationally recognised human rights and fundamental freedoms, and by taking other measures as appropriate.

2. The Interim Administration will ensure that all Afghan Military Units come under its command and control in accordance with the Bonn Agreement. The Interim Administration agrees it will return all Military Units based in Kabul into designated barracks detailed at Annex C as soon as possible. Such units will not leave those Barracks without the prior approval of the Interim Administration and notification to the ISAF Commander by the Chairman of the Interim Administration.

3. The Interim Administration will refrain from all Offensive Actions within the AOR.

4. A Joint Co-ordinating Body (JCB) will meet on a regular basis. The JCB will comprise of designated Interim Administration officials and senior ISAF representatives. The purpose of the JCB will be to discuss current and forthcoming issues and to resolve any disputes that may arise.

Article IV: Deployment of the ISAF

1. UNSCR 1386 authorises the establishment for six months of an international force to assist the Interim Administration in the maintenance of security in the AOR. The Interim Administration understands and agrees that the ISAF is the international force authorised by UNSCR 1386 and may be composed of ground, air and maritime units from the international community.

2. The Interim Administration understands and agrees that the ISAF Commander will have the authority, without interference or permission, to do all that the Commander judges necessary and proper, including the use of military force, to protect the ISAF and its Mission.

3. The Interim Administration understands and agrees the ISAF will have complete and unimpeded freedom of movement throughout the territory and airspace of Afghanistan. The ISAF will agree with the Interim Administration its use of any areas or facilities needed to carry out its responsibilities as required for its support, training and operations, with such advance notice as may be practicable.

4. In consultation with the Interim Administration, the ISAF Commander is authorised to promulgate appropriate rules for the control and regulation of surface military traffic throughout the AOR.

5. The ISAF will have the right to utilise such means and services as required to ensure its full ability to communicate and will have the right to the

unrestricted use of all of the electromagnetic spectrum, free of charge, for this purpose. In implementing this right, the ISAF will make every reasonable effort to co-ordinate with and take into account the needs and requirements of the Interim Administration.

Article V: Illustrative Tasks of the ISAF

1. The ISAF will undertake a range of tasks in Kabul and surrounding areas in support of its Mission. ISAF will make every reasonable effort to co-ordinate with and take into account the needs and requirements of the Interim Administration. Possible tasks, which may be undertaken jointly with Interim Administration Forces, will include protective patrolling.

2. By mutual agreement between the ISAF Commander and the Interim Administration the ISAF may:

a. Assist the Interim Administration in developing future security structures.

b. Assist the Interim Administration in reconstruction.

c. Identify and arrange training and assistance tasks for future Afghan security forces.

3. The ISAF will liaise with such political, social and religious leaders as necessary to ensure that religious, ethnic and cultural sensitivities in Afghanistan are appropriately respected by the ISAF.

Article VI: Identification

1. ISAF personnel will wear uniforms and may carry arms if authorised by their orders. Police Force personnel, when on duty, will be visibly identified by uniform or other distinctive markings and may carry arms if authorised by the Interim Administration.

Article VII: Final Authority to Interpret

1. The ISAF Commander is the final authority regarding interpretation of this Military Technical Agreement.

Article VIII: Summary

1. The purposes of the obligations and responsibilities set out in this Arrangement are as follows:

a. To provide the necessary support and technical arrangements for the ISAF to conduct its Mission.

b. To outline the responsibilities of the Interim Administration in relation to the ISAF.

Article IX: Final Provisions

1. Certified copies of this Military Technical Agreement will be supplied in Dari and Pashto language versions. For the purposes of interpretation the English language version of this Military Technical Agreement is authoritative.

Article X: Entry Into Force

1. This agreement will enter into force upon signature by the Participants.

Signed by the Minister Of Interior, QANOUNI	**Signed By General McColl, COMISAF**
On behalf of the Interim Administration of Afghanistan **Dated**	**On behalf of the International Security Assistance Force** **Dated**
Witnessed by BG DE Kratzer for Lt Gen PT Mikolashek Coalition Forces Land Component Commander	
Dated	

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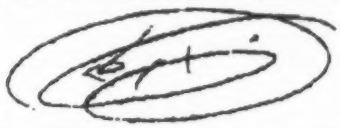
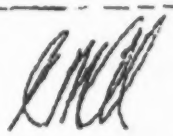
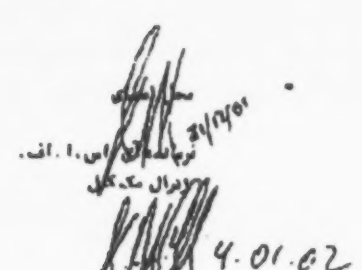
This agreement will enter into force upon signature by the Participants.

Signed by the Minister Of Interior, QANOUNI	Signed By General McColl, COMISAF
	
On behalf of the Interim Administration of Afghanistan Dated 4.01.02	On behalf of the International Security Assistance Force Dated 4.01.02
Witnessed by BG DE Kratzer for Lt Gen PT Mikolashek Coalition Forces Land Component Commander	For: Lt. MIKOLASHEK By: BG W. E. Kratzer 4/01/02.
Dated	



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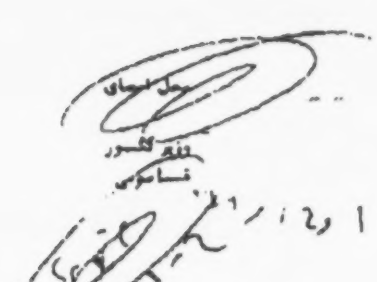

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For UN. Icola Smith
By Bg Dumfee Kat
4/01/02

گواهی شده توسط
فرمانده، بخش زمینی نیروهای انتلافی
زمرال سکلانک

بتاریخ

31/12/01

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Annexes:

A. Arrangements Regarding The Status Of The International Security Assistance Force.

B. Map of Area of Responsibility.

C. Designated Barracks.

ANNEX A

ARRANGEMENTS REGARDING THE STATUS OF THE INTERNATIONAL SECURITY ASSISTANCE FORCE

SECTION 1: JURISDICTION

1. The provisions of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 concerning experts on mission will apply *mutatis mutandis* to the ISAF and supporting personnel, including associated liaison personnel.

2. All ISAF and supporting personnel, including associated liaison personnel, enjoying privileges and immunities under this Arrangement will respect the laws of Afghanistan, insofar as it is compatible with the UNSCR (1386) and will refrain from activities not compatible with the nature of the Mission.

3. The ISAF and supporting personnel, including associated liaison personnel, will under all circumstances and at all times be subject to the exclusive jurisdiction of their respective national elements in respect of any criminal or disciplinary offences which may be committed by them on the territory of Afghanistan. The Interim Administration will assist the ISAF contributing nations in the exercise of their respective jurisdictions.

4. The ISAF and supporting personnel, including associated liaison personnel, will be immune from personal arrest or detention. ISAF and supporting personnel, including associated liaison personnel, mistakenly arrested or detained will be immediately handed over to ISAF authorities. The Interim Administration agree that ISAF and supporting personnel, including associated liaison personnel, may not be surrendered to, or otherwise transferred to the custody of, an international tribunal or any other entity or

State without the express consent of the contributing nation. ISAF Forces will respect the laws and culture of Afghanistan.

SECTION 2 ENTRY INTO AND DEPARTURE FROM AFGHANISTAN

5. The Interim Administration understands and agrees that the ISAF and supporting personnel, including associated liaison personnel, may enter and depart Afghanistan with military identification and with collective movement and travel orders.

6. The Interim Administration understands and agrees that the ISAF will have the unimpeded right to enter Afghan airspace without seeking prior diplomatic clearance.

SECTION 3 INDEMNIFICATION, CLAIMS AND LIABILITIES

7. ISAF will be exempt from providing inventories or other routine customs documentation on personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering and exiting or transiting Afghanistan territory in support of the International Security Force. The Interim Administration will facilitate with all appropriate means all movements of personnel, vehicles, aircraft or supplies, airports or roads used. Vehicles, vessels and aircraft used in support of the mission will not be subject to licensing or registration requirements, nor commercial insurance. ISAF will use airports, roads without payment of duties, dues, tolls or charges. However, ISAF will not claim exemption from reasonable charges for services requested and received, but operations/movements and access will not be allowed to be impeded pending payment for such services.

8. ISAF will be exempt from taxation by the Interim Administration on the salaries and emoluments and on any income received from outside the Interim Administration.

9. ISAF and their tangible movable property imported into or acquired in Afghanistan will be exempt from all identifiable taxes by the Interim Administration.

10. The ISAF and its personnel will not be liable for any damages to civilian or government property caused by any activity in pursuit of the ISAF Mission. Claims for other damage or injury to Interim Administration personnel or property, or to private personnel or property will be submitted through Interim Administration to the ISAF.

SECTION 4 FORCE SUPPORT

11. The ISAF will be allowed to import and export free of duty or other restriction, equipment, provisions and supplies necessary for the mission, provided such goods are for official use of ISAF or for sale via commissioners or canteens provided for ISAF and supporting personnel, including associated liaison personnel. Goods sold will be solely for the use of ISAF and supporting personnel, including associated liaison personnel, and not transferable to other participants.

12. The ISAF will be allowed to operate its own internal mail and Telecommunications services, including broadcast services, free of charge..

13. The Interim Administration will provide free of cost, such facilities as the ISAF may need for the execution of the Mission. The Interim Administration will assist the ISAF in obtaining at the lowest rate, the necessary utilities such as electricity, water and other resources necessary for the Mission.

14. Nominated representatives of ISAF will be allowed to contract direct with suppliers for services and supplies in Afghanistan without payment of tax or duties. Such services and supplies will not be subject to sales or other taxes. ISAF Forces may hire local personnel who will remain subject to local laws and regulation. However, local personnel hired by ISAF will:

a. Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity.

b. Be immune from National Service and/or national military service obligations.

c. Be exempt from taxation on the salaries and emoluments paid to them by the ISAF.

15. The Interim Administration will accept as valid, without tax or fee, drivers licences and permits issued to ISAF and supporting personnel, including associated liaison personnel, by their respective national authorities.

SECTION 5 MEDICAL AND DENTAL

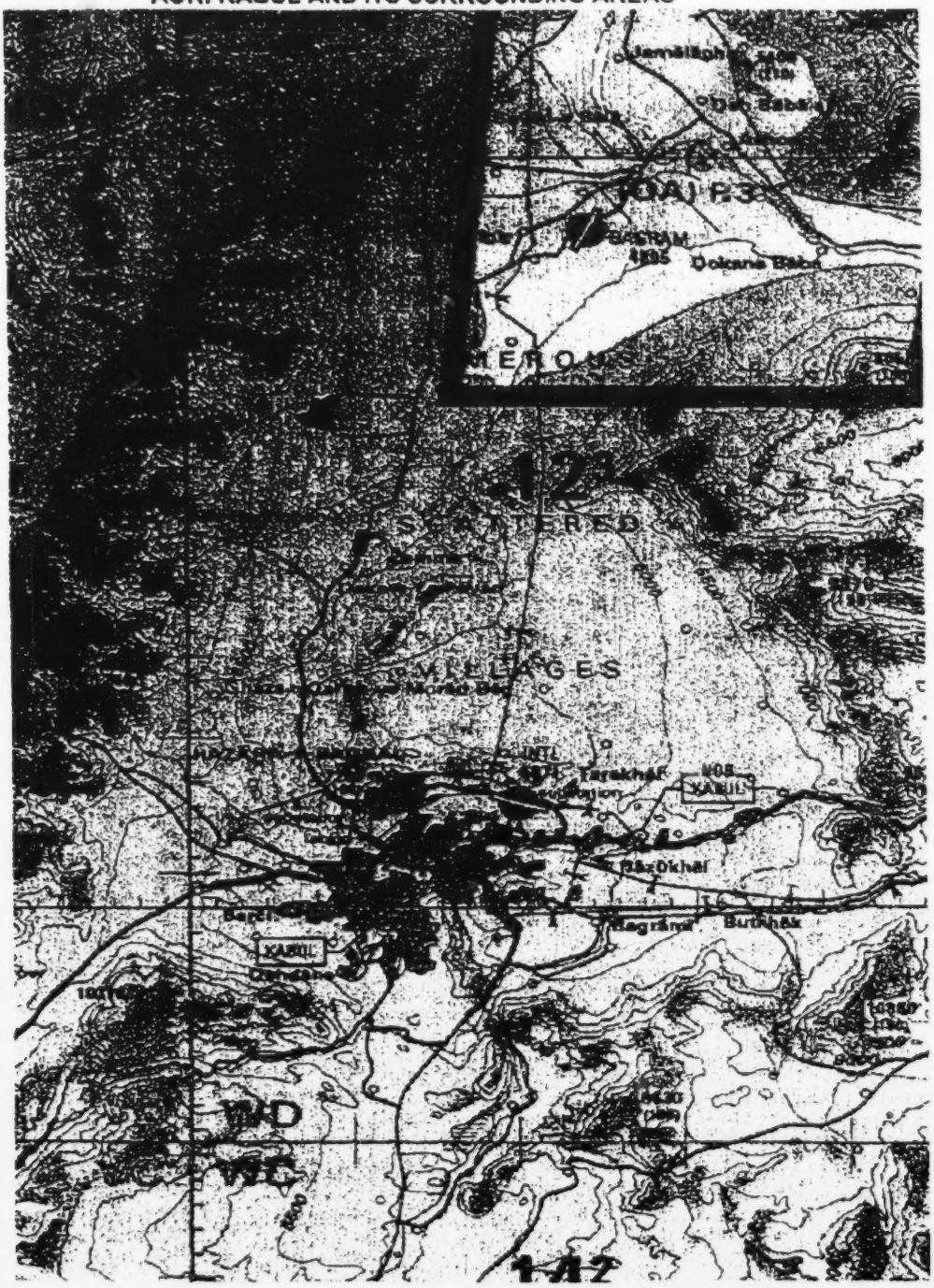
16. The Interim Administration will permit the importation and carriage of controlled drugs as required by ISAF and as officially issued to individual personnel.

17. The Interim Administration will ensure that ISAF Forces and MEDEVAC aircraft, including helicopters, will be given the highest priority to transit to, within and from the relevant operation area and given unrestricted access to the airspace of Afghanistan to fulfil any emergency mission.

SECTION 6 APPLICATION

18. The protections hereby set out shall apply to the ISAF and all its personnel, and to forces in support of the ISAF and all their personnel. This will not derogate from additional protections, rights and exemptions other forces operating in connection with the ISAF may negotiate separately with the Interim Administration or the follow-on Government.

ANNEX B:
AOR: KABUL AND ITS SURROUNDING AREAS



ANNEX C
TO THE MILITARY TECHNICAL AGREEMENT
DATED 4 JAN 02

LOCATION OF MILITARY BASES WITHIN KABUL AOR

SER	NAME & TYPE OF UNIT	LOCATION	COMMENT
1.	055 LIGHT INFANTRY DIVISION	KHYER KHANA	
2.	315 TRANSPORT BRIGADE	KHYER KHANA	
3.	10 ENGINEER DIVISION	KHANJA BOGHRA	
4.	255 TANK BRIGADE	KHANJA BOGHRA	LOCATION ONE
5.	219 TRANSPORT REGIMENT	KHANJA BOGHRA	
6.	NATIONAL GUARD UNIT	KHANJA BOGHRA	
7.	POLICE SUPPLY BASE	KHANJA BOGHRA	
8.	2ND GUARD REGIMENT	KHANJA RAWASH FIELD	KABUL AIRPORT
9.	AIRPORT PROTECTION BATTALION	KHANJA RAWASH FIELD	KABUL AIRPORT
10.	AVIATION UNIVERSITY	KHANJA RAWASH FIELD	KABUL AIRPORT
11.	22ND CITY PROTECTION REGIMENT	SHARI NAO	
12.	717 ENZIBAT SUPERVISION DIVISION	QALA-I-MARANJAN	
13.	52ND COMMUNICATIONS DIVISION	1ST MICROROYAN	
14.	AIR DEFENCE UNIT	1ST MICROROYAN	
15.	AIR DEFENSE REGIMENT	TATA-I-MARANJAN	
16.	NATIONAL GUARD	BALA HISSAR	
17.	AIR DEFENCE UNIT	BE BE MAHRO HILL	
18.	5TH TRANSPORTATION REGIMENT	SEYA SANG	
19.	PROTECTION & COMMUNICATION BATTALION	TELEVISION HILL	
20.	POLICE PROTECTION DIVISION	MICROROYAN	
21.	101 SECURITY PROTECTION	GARNESION	
22.	1ST GUARD REGIMENT	PALACE (ARGE)	
23.	OPERATORY POLICE DIVISION	DEHMAZANG	
24.	5TH INTELLIGENCE SERVICE MAIN OFFICE	DARUL AMAN	
25.	235 UNIT	DARUL AMAN	
26.	21 PROTECTION DIVISION	DARUL AMAN	
27.	206 DETECTIVE UNIT	PULLY MAHMOOD KHAN	
28.	205 DETECTIVE UNIT	DARUL AMAN	
29.	3RD GUARD REGIMENT	TAJBEK HILL	
30.	313 ESCOT UNIT	TAJBEK HILL	
31.	61 ZARBATE (SERIES) DIVISION	MAHTAB QALA	
32.	88 TOOY (T) REGIMENT	DARUL AMAN	
33.	MILITARY SCHOOL (HARBE SHOWANZY)	MATAB QALA	
34.	MUSIC BATTALION	MATAB QALA	
35.	MILITARY UNIVERSITY (HARBE POHANTOON)	PULLY CHAR KHI	
36.	TECHNICAL ACADEMY	PULLY CHAR KHI	

37.	57 TRAINING DIVSION	HOOD KHEL		
38.	CENTRAL ARMY REPAIR CENTRE	HOOD KHEL		
39.	TECHNICAL SCHOOL (SHOWANZI-I-TEKHN)	HOOD KHEL		
40.	SENIOR OFFICERS COURSE (KORSE-I-ALEE-I-AFSARAN)	PULLY MAHMOD KHAN		
41.	SECURITY DIRECTORATE OF KABUL CITY	AIRPORT BLOCKS		
42.	1ST INTELLIGENCE OFFICE	AIRPORT BLOCKS		
43.	2ND INTELLIGENCE OFFICE	AIRPORT BLOCKS		
44.	3RD INTELLIGENCE OFFICE	AIRPORT BLOCKS		
45.	4TH INTELLIGENCE OFFICE	AIRPORT BLOCKS		
46.	5TH INTELLIGENCE OFFICE	AIRPORT BLOCKS		
47.	6TH INTELLIGENCE OFFICE	AIRPORT BLOCKS		
48.	7TH INTELLIGENCE OFFICE	AIRPORT BLOCKS		
49.	8TH INTELLIGENCE OFFICE	KARTA-I-NAO		
50.	9TH INTELLIGENCE OFFICE	KARTA-I-NAO		
51.	10TH INTELLIGENCE OFFICE	KHYER KHANA		
52.	11TH INTELLIGENCE OFFICE	KHYER KHANA		
53.	12TH INTELLIGENCE OFFICE	ARZAN QEMAT		
54.	MILITARY FIREFIGHTING SECTION	ASMAEE STREET		
55.	MILITARY WORKSHOP	ASMAEE STREET		
56.	MILITARY MUSEUM	DARUL AMAN		
57.	ACADEMY POR MEDICAL SCIENCE	BB BE MAHRO		
58.	MILITARY HEALTH CENTRE	SHANI NAO		
59.	LOGISTICS INSTALLATION	SHANI NAO		
60.	2ND MILITARY HOSPITAL	PULLY MAHMOOD KHAN		
61.	MILITARY SLAUGHTER HOUSE	PULLY MAHMOOD KHAN		
62.	MILITARY VEHICLE PARK	MICROROYAN		
63.		SHASH DARAK		
64.	GARNISON HEADQUARTERS	SHASH DARAK		
65.	4TH TANK PARKING DEPOT	PULLY CHARKHY		
66.	10TH TANK PARKING DEPOT	PULLY CHARKHY		
67.	RESERVIST TRAINING INSTITUTION	PULLY CHARKHY		
68.	PRODUCTION DEPOT	PULLY CHARKHY		
69.	MILITARY HOUSING COMPLEX	PULLY CHARKHY		
70.	10TH ENGINEERING COMPANY	PULLY CHARKHY		
71.	MILITARY CLOTHING STORAGE DEPOT	PULLY CHARKHY		
72.	STORAGE DEPOT	PULLY CHARKHY		
73.	255 TANK BRIGADE	PULLY CHARKHY	LOCATION TWO	
74.	4 AND 15 MILITARY HOUSING COMPLEX	PULLY CHARKHY		
75.	5TH TRANSPORT COMPANY	KHANJA BOGHRA		
76.	704 COMPANY	KHANJA BOGHRA		
77.	220 AVIATION COMPANY	NORTH OF AIRPORT		
78.	TECHNICAL ASSISTANCE INSTALLATION	KHYER KHANA		

79.	MILITARY STORAGE DEPOT	KHYER KHANA		
80.	FOOD STORAGE DEPOT	KHYER KHANA		
81.	16TH TANK BATTALION	OIL TANKS		
82.	1ST INFANTRY BATTALION	KARGHA		
83.	MINISTRY OF DEFENSE BUILDING	DARUL AMAN		
84.	DARUL AMAN PALACE BUILDING	DARUL AMAN		
85.	UNIT 195 T BUILDING	DARUL AMAN		
86.	CENTRAL MILITARY ADMINISTRATION BUILDING	DARUL AMAN		
87.	MILITARY SLAUGHTER HOUSE	PULLY MICRORAYAN		
88.	MILITARY HOUSING COMPLEX	QAMBER CROSS ROAD		
89.	MILITARY HOUSING COMPLEX	QAMBER CROSS ROAD		
90.	MILITARY TECHNICAL WORKSHOP	SHARE POOR		

United Nations S/2002/118

Security Council

Distr.: General
25 January 2002
English
Original: Arabic

Letter dated 24 January 2002 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to request that the item entitled "Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council (S/10409)", which relates to the question of the occupation by the Islamic Republic of Iran of the Greater Tunb, the Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates, should be retained in the list of matters of which the Security Council is seized for the year 2001 and until such time as the dispute is resolved by peaceful means through direct negotiations or through the International Court of Justice, thereby ensuring a just, comprehensive and lasting settlement of the issue as well as peace, security and regional and international stability.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Abdulaziz bin Nasser **Al-Shamsi**
Ambassador
Permanent Representative

02-23183 (E) 280102 280102